

GIBSON DUNN

Gibson, Dunn & Crutcher LLP

200 Park Avenue  
New York, NY 10166-0193  
Tel 212.351.4000  
www.gibsondunn.com

Joel M. Cohen  
Direct: +1 212.351.2664  
Fax: +1 212.351.5264  
JCohen@gibsondunn.com

December 17, 2021

VIA ECF

Hon. H. Kenneth Schroeder, Jr.  
United States Magistrate Judge  
Western District of New York  
2 Niagara Square  
Buffalo, New York 14202

Re: United States v. Robert Morgan et al., 21-CR-32

Dear Judge Schroeder:

We write on behalf of Mr. Robert Morgan in advance of the December 20, 2021 status conference to provide Your Honor with an update on the proceedings before Judge Wolford regarding Defendants' motions to reconsider the October 8, 2020 decision dismissing the prior indictment.

The motions were fully briefed as of November 12, 2021. Oral argument was held before Judge Wolford on December 13, 2021. At the conclusion of the hearing, Judge Wolford stated that she was reserving decision on the motion, and ordered that the government submit additional affidavits detailing the actions that they did (or did not) take regarding several of the issues discussed in the parties' briefs and at argument. The government's affidavits were originally due on December 27, 2021, with further oral argument scheduled for January 10, 2022. *See* Dkt. 534, No. 18-CR-108.

On December 16, the government indicated to the defense that it would seek a one-week extension from Judge Wolford to provide the additional affidavits, with the new deadline set for January 3, 2022. Defendants indicated that they would not object to that request.

We look forward to discussing any further matters with Your Honor on December 20.

Respectfully yours,

/s/ Joel M. Cohen

Joel M. Cohen

GIBSON DUNN

Hon. H. Kenneth Schroeder, Jr.  
December 17, 2021  
Page 2

CC: All Counsel of Record (via ECF)